

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JEFFREY A. GILBERT,

Plaintiff,

v.

Case No: 8:21-cv-0915-KKM-AEP

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

Jeffrey Gilbert sued the Commissioner of Social Security after he was denied disability insurance benefits and supplemental security income. (Doc. 1 at 1.) The Commissioner moves for the Court to reverse his prior decision and remand for reconsideration. (Doc. 28 at 2); see 42 U.S.C. § 405(g) (permitting courts to remand on the Commissioner's motion). Gilbert does not oppose the request.

After reviewing the Complaint and the motion, the Magistrate Judge recommended that the Court grant the motion. (Doc. 29.) The fourteen-day deadline for Gilbert or the Commissioner to object to the Magistrate Judge's recommendation has passed (with an additional three days permitted for mailing). Neither objected. Nevertheless, the Court reviews the Magistrate Judge's legal conclusions de novo. *See Cooper-Houston v. S. Ry.*

Co., 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019) (Steele, J.). After a complete review, the Court concludes that the Commissioner's decision should be reversed and the matter remanded for reconsideration under sentence four of 42 U.S.C. § 405(g).

Accordingly, the following is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation is **ADOPTED** and make a part of this Order for all purposes. (Doc. 29.)
2. The Commissioner's Unopposed Motion for Entry of Judgment with Remand is **GRANTED**. (Doc. 28.) The Commissioner's decision is **REVERSED** and the case is **REMANDED** for further administrative proceedings.
3. The Clerk is directed to **ENTER** judgment for Plaintiff and **CLOSE** this case.

**ORDERED** in Tampa, Florida, on April 18, 2022.

  
Kathryn Kimball Mizelle  
United States District Judge